

REFERENCE TITLE: AHCCCS; postpartum care; eligibility; appropriations

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1272

Introduced by
Senators Pace; Rios; Representatives Osborne, Powers Hannley

AN ACT

AMENDING SECTION 36-2901, ARIZONA REVISED STATUTES; APPROPRIATING MONIES;
RELATING TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2901, Arizona Revised Statutes, is amended to
3 read:

4 36-2901. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Administration" means the Arizona health care cost containment
7 system administration.

8 2. "Administrator" means the administrator of the Arizona health
9 care cost containment system.

10 3. "Contractor" means a person or entity that has a prepaid
11 capitated contract with the administration pursuant to section 36-2904 or
12 chapter 34 of this title to provide health care to members under this
13 article or persons under chapter 34 of this title either directly or
14 through subcontracts with providers.

15 4. "Department" means the department of economic security.

16 5. "Director" means the director of the Arizona health care cost
17 containment system administration.

18 6. "Eligible person" means any person who is:

19 (a) Any of the following:

20 (i) Defined as mandatorily or optionally eligible pursuant to title
21 XIX of the social security act as authorized by the state plan.

22 (ii) Defined in title XIX of the social security act as an eligible
23 pregnant woman **OR A WOMAN WHO IS LESS THAN ONE YEAR POSTPARTUM** with a
24 family income that does not exceed one hundred fifty percent of the
25 federal poverty guidelines, as a child under the age of six years and
26 whose family income does not exceed one hundred thirty-three percent of
27 the federal poverty guidelines or as children who have not attained
28 nineteen years of age and whose family income does not exceed one hundred
29 thirty-three percent of the federal poverty guidelines.

30 (iii) Under twenty-six years of age and who was in the custody of
31 the department of child safety pursuant to title 8, chapter 4 when the
32 person became eighteen years of age.

33 (iv) Defined as eligible pursuant to section 36-2901.01.

34 (v) Defined as eligible pursuant to section 36-2901.04.

35 (vi) Defined as eligible pursuant to section 36-2901.07.

36 (b) A full-time officer or employee of this state or of a city,
37 town or school district of this state or other person who is eligible for
38 hospitalization and medical care under title 38, chapter 4, article 4.

39 (c) A full-time officer or employee of any county in this state or
40 other persons authorized by the county to participate in county medical
41 care and hospitalization programs if the county in which such officer or
42 employee is employed has authorized participation in the system by
43 resolution of the county board of supervisors.

44 (d) An employee of a business within this state.

1 (e) A dependent of an officer or employee who is participating in
2 the system.

3 (f) Not enrolled in the Arizona long-term care system pursuant to
4 article 2 of this chapter.

5 (g) Defined as eligible pursuant to section 1902(a)(10)(A)(ii)(XV)
6 and (XVI) of title XIX of the social security act and who meets the income
7 requirements of section 36-2929.

8 7. "Graduate medical education" means a program, including an
9 approved fellowship, that prepares a physician for the independent
10 practice of medicine by providing didactic and clinical education in a
11 medical discipline to a medical student who has completed a recognized
12 undergraduate medical education program.

13 8. "Malice" means evil intent and outrageous, oppressive or
14 intolerable conduct that creates a substantial risk of tremendous harm to
15 others.

16 9. "Member" means an eligible person who enrolls in the system.

17 10. "Modified adjusted gross income" has the same meaning prescribed
18 in 42 United States Code section 1396a(e)(14).

19 11. "Noncontracting provider" means a person who provides health
20 care to members pursuant to this article but not pursuant to a subcontract
21 with a contractor.

22 12. "Physician" means a person WHO IS licensed pursuant to title 32,
23 chapter 13 or 17.

24 13. "Prepaid capitated" means a mode of payment by which a health
25 care contractor directly delivers health care services for the duration of
26 a contract to a maximum specified number of members based on a fixed rate
27 per member notwithstanding:

28 (a) The actual number of members who receive care from the
29 contractor.

30 (b) The amount of health care services provided to any member.

31 14. "Primary care physician" means a physician who is a family
32 practitioner, general practitioner, pediatrician, general internist, or
33 obstetrician or gynecologist.

34 15. "Primary care practitioner" means a nurse practitioner WHO IS
35 certified pursuant to title 32, chapter 15 or a physician assistant
36 ~~certified~~ WHO IS LICENSED pursuant to title 32, chapter 25. This
37 paragraph does not expand the scope of practice for nurse practitioners as
38 defined pursuant to title 32, chapter 15, or for physician assistants as
39 defined pursuant to title 32, chapter 25.

40 16. "Regional behavioral health authority" has the same meaning
41 prescribed in section 36-3401.

42 17. "Section 1115 waiver" means the research and demonstration
43 waiver granted by the United States department of health and human
44 services.

1 18. "Special health care district" means a special health care
2 district organized pursuant to title 48, chapter 31.

3 19. "State plan" has the same meaning prescribed in section 36-2931.

4 20. "System" means the Arizona health care cost containment system
5 established by this article.

6 Sec. 2. Appropriations; Arizona health care cost containment
7 system

8 The sums of \$2,700,000 from the state general fund and \$6,200,000
9 from federal medicaid expenditure authority are appropriated to the
10 Arizona health care cost containment system administration in fiscal year
11 2022-2023 for services to eligible women who are less than one year
12 postpartum pursuant to section 36-2901, Arizona Revised Statutes, as
13 amended by this act.

14 Sec. 3. Conditional enactment; notice

15 A. This act does not become effective unless on or before July 1,
16 2023 the centers for medicare and medicaid services authorizes the Arizona
17 health care cost containment system administration to either redetermine
18 the eligibility of members who are less than one year postpartum and are
19 under one hundred thirty-three percent of the federal poverty level or use
20 another methodology that enables the administration to provide coverage
21 for eligible postpartum women pursuant to section 36-2901, Arizona Revised
22 Statutes, as amended by this act, within the existing appropriation.

23 B. The director of the Arizona health care cost containment system
24 shall notify the director of the Arizona legislative council in writing on
25 or before July 1, 2023 either:

- 26 1. Of the date on which the condition was met.
27 2. That the condition was not met.